

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In the Matter of the Complaint of Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased, and Axess Holding Company, LLC as Owners of a 2012 Rinker 310 Express motor vessel “AXESS” for Exoneration from or Limitation of Liability)	CIVIL NO. 15-CV-03230
)	
)	MOTION TO ADOPT AND JOIN
)	MOTION TO DISMISS
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MOTION TO ADOPT AND JOIN MOTION TO DISMISS

NOW COMES Respondent, Shai Wolkowicki, by and through his attorneys, Mitchell Hoffman & Wolf, LLC, and hereby moves this Honorable Court to join in and adopt the Motion to Dismiss previously filed by Respondent Peggy M. Blenner, as Independent Administrator of the Estate of Megan Blenner, Deceased (“Blenner”). In support of this Motion, Respondent, Shai Wolkowicki, states as follows:

1. On April 14, 2015, Tamara Sopka, Independent Administrator of the Estate of Orest Sopka, Deceased (hereinafter “Sopka”) and Axess Holding Company, LLC (hereinafter “Axess”) filed a Petition for Exoneration From or Limitation of Liability under the Limitation of Liability Act, 46 U.S.C. §§ 30501 *et seq.* (the “Act”) (Document No. 1).

2. On August 6, 2015, Blenner filed her Motion to Dismiss Sopka and Axess’ Petition under Rule 12(b)(6) and Memorandum of Law in Support (Document Nos. 20 and , 22). Blenner’s Motion to Dismiss asserts that Sopka failed to state a cause of action upon which relief may be granted because the Act applies to “owners” of vessels, and Sopka is not an “owner” of the AXESS.

3. The bases for dismissal raised by Blenner in her Motion also apply to Shai Wolkowicki’s claims.

4. The interests of judicial economy would be best-served by an order from this Court permitting Shai Wolkowicki to adopt and join the Motion to Dismiss, including the Memorandum of Law, already filed by Blenner, rather than file a separate, substantially similar Motion.

WHEREFORE Respondent Shai Wolkowicki respectfully requests that this Court grant her leave to adopt and join the Motion to Dismiss, including the Memorandum of Law, previously filed by Peggy M. Blenner, as Independent Administrator of the Estate of Megan Blenner, Deceased.

MITCHELL HOFFMAN & WOLF, LLC

BY: /s/ Kenneth Hoffman

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